

RE: Video Surveillance in a Patient Waiting Room

HIPAA requires covered entities to implement policies and procedures to safeguard the facility and its equipment from unauthorized physical access, tampering, and theft. 45 C.F.R. §164.310(a)(2)(ii). The Department of Health and Human Services includes the use of surveillance cameras in its list of common controls that entities should consider when developing a facility security plan. Security Standards: Physical Safeguards, Dep't of Health and Human Serv., 5 (March 2007), <http://www.hhs.gov/ocr/privacy/hipaa/administrative/securityrule/physsafeguards.pdf>. If the covered entity should choose to use video surveillance, it should ensure that 1) the video recordings are treated as protected health information and are appropriately secured, and 2) the individual monitoring the video is a HIPAA-trained staff member or business associate. Furthermore, HIPAA requires the covered entity to document repairs and modifications to any equipment used for the facility's security, including any camera equipment. 45 C.F.R. §164.310(a)(2)(iv). To protect themselves from liability, covered entities should also inform the individuals in the waiting room that they are being monitored.